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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

19 Plaintiff,

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
DEFENDANTS' MOTION FOR
RECONSIDERATION OF ORDER
DENYING-IN-PART
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL (DKT. NO. 891)**

20 v.

Date: August 24, 2017

21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Time: 9:00 a.m.

22 Defendants.

Ctrm: F, 15th Floor

Judge: Hon. Jacqueline Scott Corley

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Trial Date: October 10, 2017

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1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Defendants Uber Technologies, Inc., and Ottomotto LLC's ("Uber") Motion for
6 Reconsideration of Order Denying-In-Part Administrative Motion to File Under Seal (Dkt.
7 No. 891).

8 2. The attached Exhibit 1 to this Declaration is a true and correct copy of Exhibit 5 to
9 Waymo's Letter Brief (Dkt. 681-10), with the narrow portions that are the subject of Uber's
10 request marked in red boxes in the second and fifth paragraphs.

11 3. The attached Exhibit 2 to this Declaration is a true and correct copy of Exhibit 6 to
12 Waymo's Letter Brief (Dkt. 681-11), with the narrow portions that are the subject of Uber's
13 request marked in red boxes on Bates page UBER00017292, UBER0017293, and
14 UBER00017298.

15 4. The marked portions in the second paragraph of Exhibit 5 to Waymo's Letter Brief
16 (Dkt. 681-10) identify specific software and hardware technical features prioritized for
17 development by Ottomotto. This information has been kept confidential. I understand that if this
18 information were disclosed, competitors could obtain a competitive advantage by tailoring their
19 own LiDAR development strategy to target these software and hardware technical features, such
20 that Uber's competitive standing would be harmed.

21 5. The marked portions in the fifth paragraph of Exhibit 5 to Waymo's Letter Brief
22 (Dkt. 681-10) identify projected numbers associated with analysis of potential profitability. This
23 information has been kept confidential. If this information were disclosed, I understand that
24 competitors could obtain an advantage by using this information about Ottomotto's potential
25 profit margin to compete against Uber, which would harm Uber's ability to compete in the self-
26 driving truck field.

27 6. The marked portions on Bates page UBER00017292 of Exhibit 6 to Waymo's
28 Letter Brief (Dkt. 681-11) contain financial and commercial terms corresponding to terms for

which the Court granted sealing in the Draft Term Sheet; the Court found that this confidential business information merited sealing. (Dkt. 550 at 3.)

7. The marked portions on Bates page UBER0017293 of Exhibit 6 to Waymo's Letter Brief (Dkt. 681-11) identify business terms with respect to Otto Trucking for which the Court granted sealing of these terms in the draft Term Sheet. The marked portions refer to a sealed section of the Term Sheet, of which the existence has not become public knowledge. If this information were disclosed, I understand that competitors and counterparties could obtain a competitive advantage by tailoring their negotiation strategy to offer or demand similar business terms, such that Uber's competitive standing would be harmed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 20th day of July, 2017, at San Diego, California.

/s/ Michelle Yang

Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: July 20, 2017

/s/ Arturo J. González

Arturo J. González